

REMARKS

This response is being filed in reply to the Office Action mailed June 4, 2007. In that Office Action, claims 21-40 were rejected on prior art grounds. Claims 21-25, 38 and 40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Murphy (US Patent 5,767,804). Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Murphy in view of Wledeman (European Patent Application 0866509 A2). Claims 24, 27-37, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Murphy in view of Tzamaloukas (U.S. Patent 6,925,378). Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Murphy in view of Godfrey et al. (U.S. Patent Application 2005/0071079A1). Claims 1-20 have previously been cancelled. No claim amendments are being made. Accordingly, claims 21-40 remain pending in the application.

§102(b) Rejections

Claims 21-25, 38 and 40 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Murphy (U.S. Patent 5,767,804). Applicant respectfully traverses this rejection because Applicant's inventions of independent claims 21 and 38, from which claims 22-25 and 40 respectfully depend, are patentably distinguishable and not anticipated by Murphy. Specifically, Murphy fails to teach or disclose each and every element of the above claims.

Murphy is directed to a system for locating lost or stolen objects. Murphy teaches an integrated radio direction finding and GPS receiver system using a central base station. Murphy discloses determining that an item is lost or stolen and uses a tracking unit to activate a transceiver device with an activation signal. Another signal is emitted by the transceiver device and received by the tracking unit that uses the signal to determine the range and bearing of the object from the tracking unit. A position generating system attached to the tracking unit automatically generates tracking unit position information

when the tracking unit receives the signal. The range and bearing of the tracking device from the tracking unit are sent from the tracking unit to a base station. The base station then processes the range and bearing of the transceiver device from the tracking unit and calculates the position of the object to be located.

Applicant's claim 21 recites a method of operating a vehicle telematics device as a communication gateway. The method includes the steps of receiving a transmission at the vehicle telematics device on a primary vehicle, wherein the transmission is sent from a wireless modem unit on a secondary vehicle equipped to communicate through a first communication protocol, establishing communication between the vehicle telematics device on the primary vehicle and a service provider through a second communication protocol for which the secondary vehicle is not equipped, establishing a communication gateway between the secondary vehicle and the service provider utilizing the vehicle telematics device on the primary vehicle, and communicating data between the secondary vehicle and the service provider via the communication gateway.

Independent claim 38 also recites a method of operating a vehicle telematics device as a communication gateway. The method of claim 38 includes detecting at the vehicle telematics device on a primary vehicle a wireless access point to a local secondary vehicle, establishing communication between the secondary vehicle and the primary vehicle utilizing a first communication protocol, establishing communication between the vehicle telematics device on the primary vehicle and a service provider utilizing a second communication protocol not enabled on the secondary vehicle, notifying the service provider from the vehicle telematics device of the identification of the secondary vehicle, and communicating triggers to the secondary vehicle from the service provider via the primary vehicle.

Murphy fails to disclose each and every element of Applicant's method. Specifically, Murphy fails to disclose Applicant's steps of receiving a transmission sent from a wireless modem unit on a secondary vehicle, establishing a communication gateway between the secondary vehicle and the service provider utilizing the vehicle

telematics device on the primary vehicle, and communicating data between the secondary vehicle and the service provider via the communication gateway.

For instance, the Office Action states that Applicant's step of communicating data between the secondary vehicle and the service provider via the communication gateway is disclosed by Murphy. But Murphy doesn't teach or disclose communicating data between a secondary vehicle and a service provider. Specifically, Murphy's system shown in Fig. 3 discloses a tracking unit 10 that listens for a signal from a transceiver device 16. Once the tracking unit 10 detects the signal from the transceiver device 16, the unit 10 measures the strength of the signal and based on the strength determines the distance or range of tracking unit 10 from the transceiver device 16. The tracking unit 10 also determines the bearing or direction from which the signal is transmitted. Range and bearing information generated by tracking unit 10 is then transmitted to a base station 20. See Murphy, column 7, lines 24-50. Thus, Murphy does not communicate data between the transceiver and base station, much less between a secondary vehicle and service provider, as claimed. Rather, in Murphy the data sent to the base station is generated at the tracking unit 10. The transceiver device 16 simply emits a signal but does not transmit the distance and bearing data sent to the base station. Therefore, Murphy does not disclose the subject matter of Applicant's last step.

In this regard, it is worth noting that Murphy does not establish or otherwise utilize a communications gateway, as claimed. More specifically, the Office Action states that Murphy's two signals in Fig. 3, 18 and 22, disclose a communication gateway. But, as noted above, tracking unit 10 is not acting as a communication gateway to pass data from transceiver device 16 to base station 20; rather, tracking unit 10 is detecting the presence of the transceiver and determining its position and heading based on signal strength and other attributes of the received signal. As is known by those skilled in the art, a communications gateway, as used in Applicant's specification and claims, is a conduit for passing along messages received by the gateway to an intended recipient. Applicant's independent claims 21 and 38 specify that this communications gateway communicates between the primary vehicle and secondary vehicle using a first communication protocol (e.g., Wi-Fi) and between the primary vehicle and service

provider using a second communication protocol (e.g., cellular telephony). Thus, the communications gateway established and used by the method of these claims is one that not only passes through messages (e.g., data) sent between the secondary vehicle and service provider, but that also does so by retransmitting those messages using a different protocol than that with by which they were received. This "communications gateway" feature of Applicant's claims is fundamental to the invention recited in those claims and is not disclosed or suggested by Murphy. Again, Murphy simply teaches detecting an object using a transceiver, generating range and bearing information about the object and sending that information to a central location. It in no way operates as a communications gateway.

Additionally, Murphy fails to disclose Applicant's first step of receiving a transmission (at the primary vehicle) from a wireless modem unit on a secondary vehicle. The Office Action states that Murphy's transceiver device 16 is a wireless modem. However, Murphy does not make any such statement, nor is it inherent that the transceiver is or includes a wireless modem. Inherency requires that the element be necessarily present and, as those skilled in the art know, a transceiver can generate and send a signal without the use of a modem. Thus, for this reason as well, claims 21 and 38 define over Murphy.

Accordingly, Applicant submits that claims 21 and 38 patently define over Murphy. Claims 22-25 and 40 each ultimately depend from claims 21 and 38 and should be allowed therewith.

§103(a) Rejections

Applicant's claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Murphy in view of Wledeman (European Patent Application Number 0866509 A2). Claims 24, 27-37, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Murphy in view of Tzamaloukas (U.S. Patent 6,925,378). Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Murphy in view of Godfrey et al. (U.S.

Patent Application 2005/0071079 A1). Applicant respectfully traverses these rejections for the reasons discussed below.

Wledeman – Claim 23

Wledeman is directed to servicing a roaming wireless telephone user using a satellite telecommunications system. Wledeman teaches a satellite communication system that provides a plurality of gateways for a user terminal. Wledeman discloses communicating between a between a terrestrial wireless telephone end user transceiver and a terrestrial communications link via a relay (gateway) through a single satellite or succession of single relay satellites.

Applicant's claim 23 recites, *inter alia*, receiving a request from the secondary vehicle to establish a communication gateway for the secondary vehicle to the service provider.

The combination of Murphy and Wledman presented in the Office Action do not establish a *prima facie* case of obviousness. Not only does the suggested combination fail to teach or suggest Applicant's claimed step of receiving a request from the secondary vehicle to establish a communication gateway, but there has been no proper reason supplied as to how or why one of ordinary skill in the art would combine these references. The Office Action states that it would be obvious to modify the invention of Murphy to include the Wiedman's step of receiving a request from the secondary vehicle to establish a communication gateway for the secondary vehicle to the service provider for the purpose of establishing a communication link via a gateway to a service provider. But, the Office Action does not point to support in Wledeman that discloses receiving a request from the secondary vehicle to establish a communication gateway for the secondary vehicle to the service provider. Moreover, the gateway described in Wledeman functions substantially different than Murphy's tracking unit 10. For example, the tracking unit 10 disclosed in Murphy is designed to measure the signal strength of the transceiver 16 and determine the distance and bearing of the unit 10. Conversely, Wledeman teaches a plurality of gateways 18 that communicate with satellites 12 via, for example, a full duplex C band RF link 19 (forward link 19A to the

satellite, return link 19b from the satellite). See Wledeman, col. 4, lines 28-31. The duplex communications capabilities are intended to support the bidirectional communication of user terminals 13, such as cell phones, via a satellite 12 to a terrestrial communications system 4. See Wledeman, abstract. There would be no reason to modify Murphy's method of tracking objects with Wledeman's satellite communications system, since Murphy's transceiver simply respond to the tracking unit's activation signal – they do not initiate communication or send messages; therefore, there is no reason why they would be configured to request a gateway that they wouldn't even use. As a result, no valid reason has been provided for combining Wledeman with Murphy. Accordingly, Applicant respectfully submits that claim 23 patentably defines over Murphy and Wledeman.

Tzamaloukas - Claims 24, 27, 28, and 39

These claims each ultimately depend from either independent claim 21 or 38. For similar reasons discussed above with regard to the asserted combination of Murphy and Wledeman, the rejection of claims 24, 27, 28, and 39 on the basis of Murphy and Tzamaloukas is improper because there has not been any proper reason supplied as to why one of ordinary skill in the art would make the suggested combination. Murphy does not teach or suggest communicating data from the transceivers through the tracking units to the base station; rather, as discussed above, the tracking unit detects the presence of the transceiver, generates associated data, and then sends that data to the base station. It does not function as a communications gateway and there is thus no reason why one would apply the Tzamaloukas intermediate egress point for communication from the transceiver to the base station, or vice-a-versa, because Murphy does not carry out any such communication. Nor does Murphy provide any reason or incentive to do so. Thus, the combination is not proper and the rejection should be withdrawn.

Tzamaloukas - Claims 29-37

Tzamaloukas is directed to communicating map databases and route information between vehicles traveling a transportation network. Tzamaloukas teaches using an enhanced mobile communication device, or onboard equipment, communicating

according to an enhanced ad-hoc mode of communication and an infrastructure mode of communication. Tzamaloukas discloses updating onboard software automatically by storing new or updated software components in a central server, egress points, or both. When a vehicle comes within range of an egress point having newer software, a high-priority upgrade process is executed. During this process, the new release of software is downloaded from the central server through the egress point to the on-board equipment of a participating vehicle.

Claim 29 recites a method of operating a vehicle telematics device as a communication gateway. The method includes the steps of detecting at the vehicle telematics device on a primary vehicle a wireless access point for a secondary vehicle, establishing communication between the secondary vehicle and the vehicle telematics device on the primary vehicle utilizing a first communication protocol, establishing communication between the vehicle telematics device on the primary vehicle and a service provider utilizing a second communication protocol not supported by the secondary vehicle, and communicating software updates to the secondary vehicle from the service provider via the primary vehicle.

The Office Action states that it would be obvious to modify Murphy with Tzamaloukas for the purpose of using the gateway in a mobile vehicle to communicate update information with other moving vehicles that are in its surrounding area. However, Murphy simply uses transceivers to enable detection of objects and, as discussed above, since Murphy does not involve sending data from the transceivers to a central location, or vice-a-versa, there would be no reason to modify it with the teachings of Tzamaloukas. Furthermore, no reason has been given to combine Tzamaloukas' method of software updating with Murphy's radio direction finding method. The Office Action argues that Murphy discloses the secondary vehicle (transceiver device 16) and Tzamaloukas discloses communicating software updates to the transceiver device 16. But the transceiver device 16 merely emits a signal. There is no disclosure in Murphy that the transceiver is a software-based device and so there is no apparent reason why one would modify it to provide software update capability. To the contrary, one of ordinary skill in the art would understand that the transceivers would be carried out using simpler, more

discrete components that do not include any processor or software, and thus there would be no reason to combine Tzamaloukas' software update capability. Accordingly, the combination of Murphy and Tzamaloukas as it applies to claim 29 is improper and this claim should be allowed. Claims 30-37 each ultimately depend from claim 29 and should be allowed therewith.

Godfrey – Claim 26

Godfrey is directed to stolen vehicle tracking systems using vehicle transceivers and vehicle tracking infrastructure. Godfrey teaches a vehicle that communicates its unique vehicle identifier and location to a vehicle tracking server via a shared communications channel that is part of a dedicated short-range communications infrastructure. Godfrey generally discloses a vehicle containing a station that wirelessly transmits and receives signals from an access point, which, in turn, is wirelessly connected to a server.

Claim 26 recites, *inter alia*, receiving identification information from the secondary vehicle at the primary vehicle and transmitting the identification information from the primary vehicle to the service provider for authentication of the secondary vehicle.

The Office Action argues that it would be obvious to modify Murphy using Godfrey's disclosure of transmitting identification information from the primary vehicle to the service provider for authentication of the secondary vehicle. Yet, no reason has been given by the Office Action in Murphy why it is helpful to authenticate the transceiver device 16. As mentioned above, the transceiver device disclosed by Murphy simply emits a signal and the tracking unit 10 determines the device's 16 range and bearing. Thus, there is no reason why one would attempt to authenticate the transceiver when it is not being set up to communicate with the base station. Murphy doesn't disclose a reason to authenticate the transceiver device 16, nor has such a reason been shown to exist in the prior art. Accordingly, Applicant submits that claim 26 patently defines over the combination of Murphy and Godfrey.

Conclusion

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees, or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

/James D. Stevens/

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JDS/ECC

James D. Stevens
Registration No. 35,691
P.O. Box 4390
Troy, Michigan 48099
(248) 689-3500